

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHAWN MURPHY,

Plaintiff,

v.

Case No. 16-cv-1462-pp

NIKKI KAMPHUIS AND JAMES MUENCHOW,

Defendants.

**DECISION AND ORDER GRANTING PLAINTIFF'S REQUEST TO PAY INITIAL
PARTIAL FILING FEE FROM RELEASE ACCOUNT (DKT. NOS. 8, 10)**

On November 7, 2016, the court ordered plaintiff Shawn Murphy to pay an initial partial filing fee of \$1.83 to the Clerk of Court by November 30, 2016, pursuant to the Prison Litigation Reform Act. See 28 U.S.C. §1915(b)(1); Dkt. No. 6. The plaintiff has indicated that, while he does not currently have funds available in his trust account due to other obligations, his prison release account contains enough money to pay the initial partial filing fee. Dkt. No. 8, 10. He states that he needs a court order for the warden to allow payment of the initial partial filing fee from his release account. Dkt. No. 8, 10.

Because the plaintiff says that he needs a court order to access his release account funds to pay the initial partial filing fee, the court will direct the Warden at Waupun Correctional Institution to submit to the Clerk of Court within twenty-one days of this order \$1.83 as the plaintiff's payment of his initial partial filing fee. See Doty v. Doyle, 182 F. Supp. 2d 750, 751-52 (E.D. Wis. 2002).

The court **GRANTS** the plaintiff's request to pay the initial partial filing fee from his release account. Dkt. No. 8, 10.

The court **ORDERS** the Warden at the Waupun Correctional Institution to withdraw \$1.83 from the plaintiff's release account, and forward that sum to the Clerk of Court as the plaintiff's initial partial filing fee by **January 17, 2017**. Once the court receives this initial partial filing fee, the court will determine whether the case can continue to proceed without the plaintiff prepaying the full filing fee.

The court will mail a copy of this order the Warden of Waupun Correctional Institution, 200 S. Madison Street, P.O. Box 351, Waupun, Wisconsin, 53963-0351.

Dated in Milwaukee, Wisconsin this 27th day of December, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge